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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,370	04/13/2000	Michael Brader-Araje	9144-5	8285

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EXAMINER
GEDRICH, SARAH R

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/549,370	BRADER-ARAJE ET AL.
	Examiner	Art Unit	
	Sarah R. Gedrich	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 March 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4-6 and 8-53</u> is/are pending in the application.

    4a) Of the above claim(s) <u>10-53</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,4-6,8 and 9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

The Examiner withdraws the previous action. Claims 1-2, 4-6, and 8-53 are currently pending in the instant application. Claims 1-9 have been elected with traverse. Claims 10-53 have been withdrawn from further consideration. Claims 3 and 7 have been cancelled. Claims 1-2, 4-6, and 8-9 are currently rejected as set forth below.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 September 2004 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Freivald et al. (U.S. Patent No. 5,898,836) in view of Ng (U.S. Patent

No. 6,405,175) in further view of "Redherring.com to use change detection solution"

(Ref U, PTO-892, cited 06/15/2005; hereinafter referred to as "Redherring.com").

Referring to claims 1-2, 4-6, and 8-9. Freivald et al. discloses a method of

- Updating information maintained at an intermediary web site (col. 3, line 64-col. 4, line 21).

- Obtaining data that has changed (col. 7, lines 35-39);

- Extracting keywords from the data (col. 7, lines 9-12); and

- Storing the keywords (col. 6, lines 32-46).

- Cyclic redundancy checking (CRC) as a preferred technique in periodically (col. 6, lines 51-52)

- Assessing current data resident in a remote site in comparison to previously stored data resident in an intermediary site (col. 6, lines 32-46).

Although Freivald et al. discloses that "[s]ource document 30 could be any one of

millions of HTML documents on the thousands of web servers connected to the Internet" (col.

10, lines 9-11), Freivald et al. does not disclose that the data is auction item data.

Ng, however, explicitly teaches that the Freivald et al. invention (i.e. U.S. Patent No.

5,898,836) can be used to

- Periodically and automatically search an online auction site for a particular

  item and price (Ng: col. 2, lines 31-36).

The combination of Freivald et al. and Ng does not teach a data engine at

It would have been obvious to one of ordinary skill in the art to have

incorporated the invention of Freivald et al. in a method for updating and searching

auction item data (as taught by Ng) because Ng explicitly establishes that such

combination is desirable for this purpose and is within the level of skill in the art.

The combination of Freivald et al. and Ng does not teach a data engine at

each site and an intermediary web site that includes an agent that is configured to

communicate with and retrieve auction item data from each auction site data engine.

However, Redherring.com suggests

- A data engine at each site (Redherring.com: paragraph 1). Redherring.com

  suggests "[incorporating] NetMind's Minder for Partners technology into its Web

  site."

- An intermediary web site that includes an agent that is configured to

  communicate with and retrieve auction item data from each auction site data

  engine (Redherring.com: paragraph 2 and paragraph 5). Redherring.com

  suggests "a server-side solution" that allows "site administrators to receive

  customized reports."

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Freivald to include a data engine at each site as taught by

Redherring.com because Redherring.com explicitly establishes that such combination is desirable for "making it easy for visitors to personalize the information they want to track on Redherring.com, then receive proactive notifications when this information changes" (Redherring.com: paragraph 1) and "help [Redherring.com] achieve our overall goal of increasing user loyalty" (Redherring.com: paragraph 3) and is within the level of skill in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Freivald to include an intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine as taught by Redherring.com because Redherring.com explicitly establishes that such combination is desirable for communication between the intermediary website, the user, and the site administrator (Redherring.com: paragraph 5).

Response to Arguments

Applicant's arguments filed **12 July 2004** have been fully considered but they are

not persuasive.

The Attorney amended claim 1 to recite a method of updating information

maintained at an intermediary web site on a computer network about items, wherein the

information is displayable to users accessing the intermediary web site via the computer

network, the method comprising:

- Obtaining item data that has changed since a previous time, <u>wherein each web</u>

  <u>site includes a data engine that is configured to obtain data about each item</u>

  <u>currently being auctioned at the respective auction site, and wherein the</u>

  <u>intermediary web site includes an agent that is configured to communicate with</u>

  <u>and retrieve auction item data from each auction site data engine, comprising:</u>

  - o <u>Establishing a TCP/IP connection between the agent and each respective</u>

    <u>data engine; and</u>

  - o <u>Sending an HTTP request from the agent to each respective data engine</u>

    <u>via the TCP/IP connection to obtain auction item data that had changed</u>

    <u>since a previous time;</u>

- Extracting keywords from the obtained auction item data via the agent; and

- Storing the extracted keywords <u>via the agent</u>, wherein each stored keyword is

  associated with an item currently being auctioned at a respective one of the

  plurality of remotely located auction sites, and wherein the stored keywords are

  searchable by users accessing the intermediary web site.

Freivald disclose a storage efficient change detection tool, which detects when

changes occur to a registered document on the Internet. The change detection server

20 contains three basic components. Database 16 stores the archive of CRC's for

registered web-page documents. The URL identifying the web page and the user's e-

mail address are also stored with the archived CRC's. Responder 24 communicates

with the user at client 14 to setup or register a web page document for change

detection. Minder 22 (data engine) periodically fetches registered documents from

document server 12 through Internet 10. Minder 22 (data engine) compares the

archived CRC's in database 16 to new CRC's of the fetched documents to determine if

a change has occurred. When a change is detected, minder 22 (data engine) sends a

notice to the user at client 14 that the document has changed.

Freivald further discloses a system according to FIG. 1. FIG. 1 is a diagram of a

change detection tool on a server on the Internet. The user operates client 14 from a

remote site on Internet 10. The user typically is operating a browser application, such

as Netscape's Navigator or Microsoft's Internet Explorer. Client 14 communicates

through Internet 10 by sending and receiving TCP/IP packets to establish connections

with remote servers, typically using the hypertext transfer protocol (http) of the

worldwide web.

As previously noted by the Examiner, the combination of Freivald et

al. and Ng does not teach a data engine at each site. However,

Redherring.com suggests

- A data engine at each site (Redherring.com: paragraph 1). Redherring.com

  suggests "[incorporating] NetMind's Minder for Partners technology into its Web

  site."

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Freivald et al. to include a data engine at each site as taught by

Redherring.com because Redherring.com explicitly establishes that such

combination is desirable for "making it easy for visitors to personalize the information

they want to track on Redherring.com, then receive proactive notifications when this

information changes" (Redherring.com: paragraph 1) and "help [Redherring.com]

achieve our overall goal of increasing user loyalty" (Redherring.com: paragraph 3)

and is within the level of skill in the art.

Response to Arguments (Continued)

Applicant's arguments filed **17 March 2005** have been fully considered but they are

not persuasive.

Applicant argues:

> ➤ **Freivald and Ng each fail to teach or suggest <u>a data engine at each auction**
>
> **site</u>.**

As previously noted by the Examiner, the combination of Freivald et al.

and Ng <u>does not teach a data engine at each site.</u> However,

Redherring.com suggests

- A data engine at each site (Redherring.com: paragraph 1). Redherring.com

    suggests "[incorporating] NetMind's Minder for Partners technology into its Web

    site."

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Freivald et al. to include a data engine at each site as taught by

Redherring.com because Redherring.com explicitly establishes that such

combination is desirable for "making it easy for visitors to personalize the information

they want to track on Redherring.com, then receive proactive notifications when this

information changes" (Redherring.com: paragraph 1) and "help [Redherring.com]

achieve our overall goal of increasing user loyalty" (Redherring.com: paragraph 3)

and is within the level of skill in the art.

> ➤ **Freivald and Ng, alone or in combination, also fail to teach or suggest an intermediary web site that includes an <u>agent</u> that is configured to communicate with and retrieve auction item data from <u>each auction site data engine</u>.**

As previously noted by the Examiner, the combination of Freivald et al. and Ng <u>does not teach an intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine</u>. However, Redherring.com suggests

- An intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine (Redherring.com: paragraph 2 and paragraph 5). Redherring.com suggests "a server-side solution" that allows "site administrators to receive customized reports."

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Freivald to include an intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine as taught by Redherring.com because Redherring.com explicitly establishes that such combination is desirable for communication between the intermediary website, the user, and the site administrator (Redherring.com: paragraph 5).

Freivald further teaches a Responder 24 communicates with the user at client 14 to setup or register a web page document for change detection. It would be well within

the level of skill in the art to include communication with the data engines of each web

site as well as the client as suggested by Redherring.com in order to making it easy

for visitors to personalize the information they want to track on Redherring.com, then

receive proactive notifications when this information changes" (Redherring.com:

paragraph 1) and "help [Redherring.com] achieve our overall goal of increasing user

loyalty" (Redherring.com: paragraph 3) and allow for communication between the

intermediary website, the user, and the site administrator (Redherring.com:

paragraph 5).

> **Freivald and Ng fail to teach or suggest obtaining auction item data that
   has changed since a previous time that includes extracting keywords
   from the received static and dynamic information via the intermediary
   web site agent, and storing the extracted keywords via the intermediary
   web site agent.**

Freivald discloses extracting keywords from the data (col. 7, lines 9-12); and storing the

keywords (col. 6, lines 32-46).

Redherring.com further suggests "users can track by keyword" (paragraph 5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- www.netmind.com (Ref V of PTO-892, cited 06/15/2005).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (571) 272-8121. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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